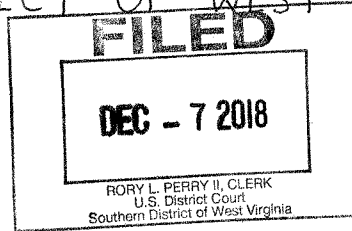


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Ronald L. Cosner,
Plaintiff, pro se,

v.



Civil Action No. 2:18-cv-1499

Dr. Thistlethwait, N.P. Josh,
Sandra May, Dr. Lye, U.M.
Best, PSI meds, Wexford
Health, Mount Olive Correctional
Complex, in their individual
and official capacities,
Defendants.

COMPLAINT under 42 U.S.C. § 1983

A. Parties:

1.) Plaintiff: Ronald L. Cosner

M.O.C.C., One Mountainside Way
Mt. Olive, W.V. 25185

2.) Defendants: 1. Dr. Thistlethwait, psychiatrist, PSI meds.

2. N.P. Josh, nurse practitioner. 3. Sandra May, nurse practitioner.

4. Dr. Lye, doctor, Wexford Health. 5. Mr. Best, unit manager, M.O.C.C.

5. Wexford Health. 6. Mount Olive Correctional Complex.

Address for all defendants: M.O.C.C.,

One Mountainside Way

Mt. Olive, W.V. 25185

B. Statement of the Claim:

1.) At all times herein the defendants acted under the color of state law at Mount Olive Correctional Complex (M.O.C.C.): In 8/18, the psychiatrist Dr. Thistlethwait was scheduled to see me. When he came to the pod I refused to be seen where other inmates could overhear my discussion with the Dr.. Dr. Thistlethwait took this as a refusal to see him, but I wanted to see him without my H.I.P. P.A. rights being violated again.

2.) The Dr. used this so called refusal as the reason to stop my medications, Welbutrin (which I take for depression) and Depacote (which I take for seizures, but is also used for mental health), obviously he didn't even know what I take it for, just assumed. I have a long history of depression, suicidal ideations, extreme self-mutilation and suicide attempts due to depression. Because he discontinued my meds, I had a seizure, increased depression and attempted suicide. I have also been hospitalized for mental health and forced by court order to take this medication so many times its, too, numerous to be accurate. Within a couple weeks I was severely depressed and contemplating suicide, I was on suicide watch and told I would see Dr. Thistlethwait in a few days, but he again refused to see me, when I ask why? I was told he said he took me off my medication for making and possessing wine (not for consuming it, which I do not do) my punishment for making wine, no more depression and seizure medication.

3.) Dr. Thistlethwait's case load is so large and overburdened that I'm unable to receive proper mental health treatment. In

Statement of the claim continued:

fact I have seen him about one actual minute everytime I've seen him, which is about 4 times for a total of around 4 minutes. How can he properly assess my mental health and I have one of the most extensive and long mental histories on his case load, dating back to my abusive childhood and I've even been deemed by the federal government to be mentally disabled.

4.) On 10-10-18, still off my medication, I attempted suicide (for the first time in years)⁺ due to this reason and the other reasons stated herein the defendants in their official and individual capacities violated my rights under the U.S. Constitution right to petition the government for a redress of grievances, right to due process of law, right to be free from cruel and unusual punishment, and my right of equal protection. Also the statutory laws of the state of West Virginia, not limited to malpractice and the constitution of the state, federal statutory laws not limited to H.I.P.P.A., and any other laws this honorable and just court thinks were violated by the defendants actions described herein, as I'm proceeding "pro se".

5.) On 10-16-18, I was sent to C.A.M.C. Memorial Hospital and was discharged with instructions to see a gastroenterologist in 2 days for removal of the straightened paperclip sharpened like a needle on one end which I was told has the potential to puncture an artery or vital organ at anytime, and cause death. C.A.M.C. should have removed it then or at least attempted to as they have done when I committed self-harm previously (in the same manner), and this bespeaks malpractice which the 3 medical providers here are well aware, N.P. Josh,

Statement of the claim continued:

Sandra May, Dr. Lye. After returning no appointment for the gastroenterologist was made. I was experiencing extreme pain, a possible lingering death, and on 11-9-18 I developed rectal bleeding so bad I passed out hitting my head. The paper work from C.A.M.C. said I should return to the hospital immediately if I developed any of the following: nausea, vomiting, rectal bleeding, free-air, increased pain, etc; I developed increased pain and rectal bleeding and my complaints to the medical providers went ignored. I also plan to file a malpractice claim for not removing the foreign body immediately by scope when at C.A.M.C.M.H., but I'm waiting to know how badly I've been harmed by their inaction. The medical providers were notified of my bleeding and I was told that I was to be monitored. Days later I seen Josh this was over a month and he said, "I think we might start the process to send me to the gastroenterologist", this was supposed to happen 10-18-18, when I asked how long this might take he told me, "one to two months". In the meantime I may die. I overheard all three me medical providers laughing saying, "I really hope it hits something major", "why he's waiting.", "Tired of dealing with him, this might just kill him." Josh + Sandra May were talking and laughing. When I asked why it takes months to go to a medical appointment you need in 2 days, "Josh said", "that's Wexford Health policy and procedure." This policy and procedures puts me at risk of death and is unconstitutional as well as the providers ignoring me

Statement of the claim continued:

serious medical needs which may still kill me or cause serious further harm, as the Gastroenterologist's scope is detrimental to my health to remove the object and why was I not sent back out as the paperwork from C.A.M.C. clearly stated and was ignored. The extreme pain and suffering and possible lingering death as stated herein does violate my U.S. Constitution rights, federal laws, West Virginias laws and Constitution as well as the disabilities Act by the named defendants actions and in actions.

6.) I have followed or attempted to follow all M.D.C.C. policy and procedures and grieved all of these issues several times which I'm not giving a copy of a log number nor a response and I'm not sure if these issues are being addressed in the greivance procedure or not, but I'm certain there not being handled correctly. The only grievance that are returned are ones in which I can not sue the prison or its employees. If its possible I may seek redress in a court of law and have a case against colorable state employees. I'm hindered by the institution and its employees as Mr. Best (Unit Manager) is responsible for the grievances I've tried to file to Exhaust my Administrative Remedies in accordance with the P.L.R.A. on the issues contained in this action, and for this action as well as M.D.C.C. has developed an unwritten practice to hinder inmates here from recieving a redress of grievances and due process of law so we can not comply with the P.L.R.A. and are cases will become

Statement of the claim continued:

moot for this Mr. Best is directly responsible. Both M.D.C.C. and Mr. Best have violated my U.S. Constitutional rights in the wrongs described herein this complaint.

C. Relief Sought:

A. jury trial on all issues triable by jury. Monetary damages as this honorable and just court deems proper, just and equitable. All costs associated with this claim. A permanent injunction and preliminary injunctive relief as prayed for a copy which is attached to this claim.

D. Declaration under penalty of perjury:

I, Ronald L. Cosner, does hereby declare under the penalties of perjury that this foregoing document and all of the attached is true and correct to the very best of my knowledge and belief.

Signed this 30th day of November, 2018.

Signed: Ronald L. Cosner Ronald L. Cosner 3601729

Address: Mount Olive Correctional Complex

One Mountainside Way

Mt. Olive, W.V. 25185